BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

ESODUS COMMUNICATIONS, INC., dba, INSTATONE

For a Certificate of Authority to)
Provide Resold Local Exchange)
Telecommunications Services Within)
the State of Hawaii and for)
approval of its initial tariff.)

DOCKET NO. 04-0080

ORDER NO. 21393

DIN OF CONSUMER AFFARS

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Filed Oct. 1, 2004 At _____ 2 o'clock _ f .m.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

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Docket No. 04-0080 Order No. 21393

ORDER

I.

Introduction

On April 23, 2004, ESODUS COMMUNICATIONS, INC., dba INSTATONE ("Applicant"), filed an application for a certificate of authority to provide resold local exchange telecommunications services within the State of Hawaii ("Application"). Applicant makes its request pursuant to Hawaii Revised Statutes § 269-7.5 and Hawaii Administrative Rules ("HAR") § 6-80-17.

A copy of the Application was served on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate").

On September 14, 2004, the commission issued a Notice of Intent to Dismiss Application, informing Applicant of the commission's intent to dismiss its April 23, 2004 Application, without prejudice, due to Applicant's failure to

¹On May 27, 2004, the Consumer Advocate filed its Statement of Position.

submit updated financial statements (i.e., audited or unaudited financial statements dated no more than three (3) months from the date of the Application), pursuant to HAR \S 6-80-17(c)(1)(E).

On September 23, 2004, Applicant requested approval to withdraw its Application.

Upon review, the commission finds good cause to grant Applicant's withdrawal request, and concludes that this docket should be closed.

II.

<u>Orders</u>

THE COMMISSION ORDERS:

- 1. Applicant's request, filed on September 23, 2004, to withdraw its Application, filed on April 23, 2004, is granted.
 - 2. This docket is closed.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

By (Excused)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Kris N. Nakagawa Commission Counsel

03-0080.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21393 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

PATRICK D. CROCKER, ESQ. EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C. 900 Comerica Building Kalamazoo, MI 49007-4752

Karen Higaski)

DATED: OCT 1 2004